

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Montez Lee Waller**

**Docket No. 5:13-CR-220-1FL**

**Petition for Action on Supervised Release**

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Montez Lee Waller, who, upon an earlier plea of guilty to Conspiracy to Distribute 50 Grams or More of Cocaine Base and Maintain a Drug-Involved Premise, in violation of 21 U.S.C. § 846, was sentenced in the Eastern District of Virginia by the Honorable James C. Cacheria, U.S. District Judge, on June 20, 2008, to the custody of the Bureau of Prisons for a term of 87 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years. On December 13, 2011, the defendant's sentence was reduced to 70 months pursuant to 18 U.S.C. § 3582(c)(2). Montez Lee Waller was released from custody on March 14, 2013, at which time the term of supervised release commenced.

On June 5, 2013, a Violation Report was submitted to the Eastern District of Virginia advising that the defendant tested positive for marijuana on March 23, 2013. The defendant admitted to the use of marijuana on March 21, 2013, and received a verbal reprimand. He was counseled about his actions and allowed to remain under supervision

On July 25, 2013, jurisdiction of the defendant's case was transferred to the Eastern District of North Carolina from the Eastern District of Virginia.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:** On August 5, 2016, the defendant receive a citation for Expired Registration Card/Tag (16CR703101) in Edgecombe County, North Carolina. On December 3, 2016, the defendant received a citation for Driving While License Revoked-Impaired Revocation (16CR1244) in Columbus County, North Carolina. The defendant acknowledged receiving the citations and plans to hire an attorney to have the aforementioned charges dismissed. On January 13, 2017, the defendant tested positive for marijuana, and the results were confirmed by Alere Laboratories on January 17, 2017. The defendant received a verbal reprimand for his actions and was referred to Second Chance Recovery for a substance abuse assessment. As a sanction for the above violations, the defendant will serve 2 days in the custody of the Bureau of Prisons and participate in the DROPS program beginning in the second use level. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

**Montez Lee Waller**  
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Reviewed and approved,

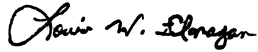
I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Taron N. Seburn  
Taron N. Seburn  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: 252-830-2335  
Executed On: February 8, 2017

**ORDER OF THE COURT**

Considered and ordered this 8th day of February, 2017, and ordered filed and  
made a part of the records in the above case.



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Louise W. Flanagan  
U.S. District Judge